THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8889 of 2007

Dated:26.04.2007

Between:

Alanelli Sriram Murthy Sarma and another.

..... PETITIONERS

AND

The District Collector, Srikakulam, and anther.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8889 of 2007

ORDER:

The two petitioners filed instant writ petition seeking a writ of Mandamus directing the respondents, namely, the District Collector, Srikakulam, and the Mandal Revenue Officer (MRO), Etcherla Mandal, Srikakulam, to incorporate the names of the petitioners in the revenue records in terms of the orders in S.R.11(A)1/B2/SRL dated 29.02.1984 passed by the Settlement Officer, Visakhapatnam, passed under Section 11(a) of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (the Act, for brevity).

It is the case of the petitioners that land admeasuring Acs.2.40 in survey No.129 situated at Srikakulam District was purchased by Karnikula Suryanarayana in a Court auction on 30.01.1857 pursuant to the decree in O.S.No.537 of 1856 on the file of the Court of the District Munsif, Srikakulam. He sold the property under registered sale deed dated 02.01.1889 to Andhavarapu Chandrayya. Chandrayya died issueless and sons of his brother M/s A. Venkatesam and A. Venkatapayya inherited the property and they dug a tank for providing irrigation. They sold an extent of Acs.1.58 to the father of Alavelli Ranganayakulu under registered sale deed dated 12.07.1943 and later Alavelli Ranganayakulu sold an extent of Ac.0.62 to Alavelli Savitramma under registered sale deed dated 14.09.1945. He also sold remaining extent of Ac.0.96 to Varalamma under registered sale deed dated 11.09.1945. Second petitioner succeeded to the estate of Varalamma. In 1982, when Tahsildar threatened to evict the father of first petitioner, an application was filed under Section 11(a) of the Act by the father of first petitioner. Then the Settlement Officer passed orders in S.R.11(A)1/B2/SRL dated 29.02.1984 granting ryotwari pattas. First petitioner gave a representation on 07.02.2007 to first respondent seeking to incorporate the names of the petitioners as per the ryotwari pattas, in vain. Therefore, they filed instant writ petition for implementation.

The order in S.R.11(A)1/B2/SRL dated 29.02.1984, whereby ryotwari pattas were granted by the Settlement Officer is annexed to the writ petition. It is no doubt that *prima facie* case supports the contention of the petitioners that the Settlement Officer issued ryotwari pattas in favour of Penta Venkateswarlu, Pydi Varalamma, Alavelli Suryanarayana and Alavelli Venkataramanamurthy. When ryotwari pattas were granted to the predecessors of the petitioners in 1984, no explanation is given as to why they did not take steps for implementation of the same in the revenue records. It is only in February, 2007, that the

petitioners approached first respondent for incorporating their names. In such a background, a writ petition would not lie. As the petitioners claim the property under ryotwari pattas granted under the Act, the remedy lies to approach the recording authority/Tahsildar concerned under the provisions of the Andhra Pradesh Rights in Land & Pattadar Pass Books Act, 1971, for grant of pattadar passbooks (PPBs) and title deeds (TDs). When once PPBs and TDs were granted, the same can as well be treated as proper recognition of the rights of the petitioners. The petitioners are given such liberty.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

26th April, 2007
ghn